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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,948	07/08/2003	John J. McSheffrey	04373-033001	7119
26161	7590	12/01/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			NGUYEN, DINH Q	
			ART UNIT	PAPER NUMBER
			3752	

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,948

Applicant(s)

MCSHEFFREY ET AL.

Examiner

Dinh Q. Nguyen

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-28,30-37 and 39-43 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,5,11-17 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-10,18-25,27,28,30-37 and 39-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6-8, 18-21, 27, 28, 30-32, 40-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Goedeke et al.

Morgan et al. teaches all the limitations of the claims except for a detector for detection of the presence of an obstruction to viewing the emergency equipment station. However, Goedeke et al. discloses a fire detection system with a video camera 60 for viewing the area 11, thus capable of detecting any obstructions to the viewing area 11, the camera 60 sending signals via output coupling 62/65 to a controller 70. Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Morgan et al. with a detector for detection of the presence of an obstruction to viewing as suggested by Goedeke et al. Doing so would provide an effective emergency equipment station.

With respect to claim 8, to have the detection range of 6 inches to 10 feet is obvious with one skilled in the art and furthermore, one of ordinary skill in the art would have expected Applicant's invention to perform equally well with either claimed dimensions or the Hinchler's device. Therefore, it would have been an obvious matter of design choice to modify the device of Morgan et al. in view of Goedeke et al. to obtain the invention as specified in claim 8.

3. Claim 35 rejected under 35 U.S.C. 103(a) as being unpatentable over Cronin et al. in view of Goedeke et al.

Cronin et al. teaches all the limitations of the claims except for a detector for detection of the presence of an obstruction to viewing the emergency equipment station. However, Goedeke et al. discloses a fire detection system with a video camera 60 for viewing the area 11, thus capable of detecting any obstructions to the viewing area 11, the camera 60 sending signals via output coupling 62/65 to a controller 70. Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Morgan et al. with a detector for detection of the presence of an obstruction to viewing as suggested by Cronin et al. Doing so would provide an effective emergency equipment station.

4. Claims 9, 10, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Goedeke et al. as applied to claims 1, 6-8, 18-21, 27, 28, 30-32, 40-43 above, and further in view of Rockwell et al.

Morgan et al. in view of Goedeke et al. teaches all the limitations of the claims except for the communication between two emergency equipment stations. However, Rockwell discloses an emergency equipment station with wireless communications that is capable with point-to-point communication with another emergency equipment station (see column 11, lines 25+). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Morgan et al. and Goedeke et al. with the communication between two emergency equipment stations as suggested by Rockwell. Doing so would provide a convenience and effective emergency equipment station (see column 5, lines 2-57).

5. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan et al. in view of Goedeke et al. as applied to claims 1, 6-8, 18-21, 27, 28, 30-32, 40-43 above, and further in view of Cronin et al.

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Morgan et al. in view of Goedeke et al. teaches all the limitations of the claims except for a detector for a low battery condition. However, Cronin et al. discloses an emergency equipment station 10 having a portable defibrillator, one or more batteries with a low battery detector 18/19 (see column 4, lines 29-37). Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Morgan et al. and Goedeke et al. with the communication between two emergency equipment stations as suggested by Cronin et al. Doing so would provide a convenience and effective emergency equipment station.

6. Claims 36, 37, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cronin et al. in view of Goedeke et al. as applied to claim 35 above, and further in view of Morgan et al.

Cronin et al. in view of Goedeke et al. teaches all the limitations of the claims except for a wireless or a hardwire communication. However, Morgan et al. discloses an emergency equipment station with wireless or hardwire communication capabilities. Therefore, it would have been obvious to one having ordinary skill in the art to have provided the device of Cronin et al. and Goedeke et al with a wireless or a hardwire communication as suggested by Morgan et al. Doing so would provide a versatile emergency equipment station (see column 1, lines 25-40).

Response to Arguments

7. Applicant's arguments filed 9/22/06 have been fully considered but they are not persuasive.

8. Applicant's arguments with respect to claims 1, 6-1018-25, 27-43 have been considered but are moot in view of the new ground(s) of rejection.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinh Q. Nguyen whose telephone number is 571-272-4907. The examiner can normally be reached on Monday-Thursday 6:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dinh Q Nguyen
Primary Examiner
Art Unit 3752

dqn